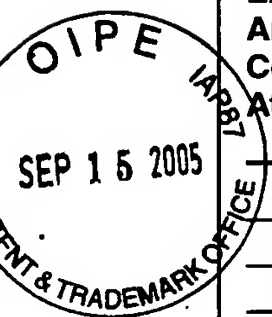


**AMENDMENT TRANSMITTAL****PATENT**

Application No.: 10/039,653  
Filing Date: Dec. 31, 2001  
First Named Inventor: David A. Wyatt  
Examiner's Name: Sue X. Lao  
Art Unit: 2194  
Confirmation No.: 9274  
Attorney Docket No.: 042390.P13868



An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.

☒ Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.

☒ Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.

☐ Applicant(s) claim small entity status (37 CFR 1.27).

**ATTACHMENTS**

☒ Postcard (Return Receipt)

☒ Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)

☒ Check(s)

☐ Petition for Extension of Time

☐ Preliminary Amendment

☒ Amendment/Response with respect to Office Action

☐ Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)

☐ Notice of Appeal

☐ RCE (Request for Continued Examination)

☐ Supplemental Declaration

☒ 2 (Two) -Terminal Disclaimers

☐ Information Disclosure Statement (IDS)

☐ Copies of IDS citations

☐ Cross-Reference to Related Application(s)

☐ Certified Copy of Priority Document

☐ Other: \_\_\_\_\_

☐ Other: \_\_\_\_\_

**SUBMITTED BY:**

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TYPED OR PRINTED NAME: Michael J. Mallie

SIGNATURE: \_\_\_\_\_

REG. NO.: 36,591

DATE: September 13, 2005

ADDRESS: 12400 Wilshire Boulevard, Seventh Floor

Los Angeles, California 90025

TELEPHONE NO.: (408) 720-8300

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (If applicable)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450 on September 13, 2005

David Castro

Date of Deposit

Name of Person Mailing Correspondence

September 13, 2005

Signature

Date

Express Mail Label No. (if applicable): \_\_\_\_\_

**Send to:** COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, Virginia 22313-1450

(10/14/03)



## FEE TRANSMITTAL FOR FY 2005

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

TOTAL AMOUNT OF PAYMENT (\$) 260.00

### Complete if Known:

Application No. 10/039,653  
Filing Date Dec. 31, 2001  
First Named Inventor David A. Wyatt  
Examiner Name Sue X. Lao  
Confirmation No. 9274  
Art Unit 2194  
Attorney Docket No. 042390.P13868

       Applicant claims small entity status. See 37 CFR 1.27.

### METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify)

☒ Deposit Account

Deposit Account Number : 02-2666

Deposit Account Name:                     

☒ The Director is Authorized to do the following with respect to the above-identified Deposit Account:

☐ Charge fee(s) indicated below.

☒ Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.

☐ Charge fee(s) indicated below except for the filing fee

☒ Credit any overpayments.

☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

Warning: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Large Entity		Small Entity		Fee Description		Fees Paid (\$)
Code	Fee (\$)	Code	Fee (\$)			
1011	300	2011	150	Utility application filing fee		
1111	500	2111	250	Utility search fee	1,000/500	
1311	200	2311	100	Utility examination fee		
1012	200	2012	100	Design application filing fee		
1112	100	2112	50	Design search fee	430/215	
1312	130	2312	65	Design examination fee		
1013	200	2013	100	Plant filing fee		
1113	300	2113	150	Plant search fee	660/330	
1313	160	2313	80	Plant examination fee		
1004	300	2004	150	Reissue filing fee		
1114	500	2114	250	Reissue search fee	1,400/700	
1314	600	2314	300	Reissue examination fee		
1005	200	2005	100	Provisional application filing fee		
SUBTOTAL (1)						\$ <u>0.00</u>



EPW

## FEE TRANSMITTAL FOR FY 2005

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TOTAL AMOUNT OF PAYMENT (\$) 260.00

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Fee Code	Fee (\$)	Fee Code	Fee (\$)			
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1111	500	2111	250	Utility search fee	1,000/500	
1311	200	2311	100	Utility examination fee		
1012	200	2012	100	Design application filing fee		
1112	100	2112	50	Design search fee	430/215	
1312	130	2312	65	Design examination fee		
1013	200	2013	100	Plant filing fee		
1113	300	2113	150	Plant search fee	660/330	
1313	160	2313	80	Plant examination fee		
1004	300	2004	150	Reissue filing fee		
1114	500	2114	250	Reissue search fee	1,400/700	
1314	600	2314	300	Reissue examination fee		
1005	200	2005	100	Provisional application filing fee		
SUBTOTAL (1)					\$ <u>0.00</u>	

## 2. EXCESS CLAIM FEES

	<u>Extra Claims</u>	<u>Fee from below</u>	<u>Fees Paid (\$)</u>
Total Claims <u>12</u> - 20 or HP = <u>0</u>		X \$50.00	= <u>0.00</u>
HP = highest number of total claims paid for, if greater than 20			
Independent Claims <u>2</u> - 3 or HP = <u>0</u>		X \$200.00	= <u>0.00</u>
HP = highest number of independent claims paid for, if greater than 3			
Multiple Dependent Claims			= <u>          </u>

<u>Large Entity</u>		<u>Small Entity</u>		
Fee Code	Fee (\$)	Fee Code	Fee (\$)	<u>Fee Description</u>
1202	50	2202	25	Each claim over 20
1201	200	2201	100	Each independent claim over 3
1203	360	2203	180	Multiple dependent claims, if not paid
1204	200	2204	100	Reissue: each claim over 20 and more than in the original patent
1205	50	2205	25	Reissue: each independent claim more than in the original patent

SUBTOTAL (2) \$ 0.00

## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each add'l 50 or fraction thereof</u>	<u>Fee from below</u>	<u>Fees paid (\$)</u>
<u>          </u>	- 100 = <u>          </u>	/ 50 = <u>          </u> (round up to whole number)	X \$250.00	<u>          </u>

<u>Large Entity</u>		<u>Small Entity</u>		
Fee Code	Fee (\$)	Fee Code	Fee (\$)	<u>Fee Description: Application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec &amp; drawings except sequences &amp; program listings):</u>
1081	250	2081	125	Utility
1082	250	2082	125	Design
1083	250	2083	125	Plant
1084	250	2084	125	Reissue

SUBTOTAL (3) \$ 0.00

**FEE CALCULATION (continued)****4. OTHER FEE(S)**

				<u>Fees Paid (\$)</u>																																																																																																																																																																																																			
Non-English Specification, \$130 fee (no small entity discount)				<u>                    </u>																																																																																																																																																																																																			
<table border="0" style="width: 100%;"><thead><tr><th colspan="2"><u>Large Entity</u></th><th colspan="2"><u>Small Entity</u></th><th></th></tr><tr><th>Fee Code</th><th>Fee (\$)</th><th>Fee Code</th><th>Fee (\$)</th><th>Fee Description</th></tr></thead><tbody><tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td></tr><tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td></tr><tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td></tr><tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for ex parte reexamination</td></tr><tr><td>1813</td><td>8,800</td><td>1813</td><td>8,800</td><td>Request for inter parties reexamination</td></tr><tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td></tr><tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td></tr><tr><td>1251</td><td>120</td><td>2251</td><td>60</td><td>Extension for reply within first month</td></tr><tr><td>1252</td><td>450</td><td>2252</td><td>225</td><td>Extension for reply within second month</td></tr><tr><td>1253</td><td>1,020</td><td>2253</td><td>510</td><td>Extension for reply within third month</td></tr><tr><td>1254</td><td>1,590</td><td>2254</td><td>795</td><td>Extension for reply within fourth month</td></tr><tr><td>1255</td><td>2,160</td><td>2255</td><td>1,080</td><td>Extension for reply within fifth month</td></tr><tr><td>1401</td><td>500</td><td>2401</td><td>250</td><td>Notice of Appeal</td></tr><tr><td>1402</td><td>500</td><td>2402</td><td>250</td><td>Filing a brief in support of an appeal</td></tr><tr><td>1403</td><td>1,000</td><td>2403</td><td>500</td><td>Request for oral hearing</td></tr><tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td></tr><tr><td>1452</td><td>500</td><td>2452</td><td>250</td><td>Petition to revive - unavoidable</td></tr><tr><td>1453</td><td>1,500</td><td>2453</td><td>750</td><td>Petition to revive - unintentional</td></tr><tr><td>1501</td><td>1,400</td><td>2501</td><td>700</td><td>Utility issue fee (or reissue)</td></tr><tr><td>1502</td><td>800</td><td>2502</td><td>400</td><td>Design issue fee</td></tr><tr><td>1503</td><td>1100</td><td>2503</td><td>550</td><td>Plant issue fee</td></tr><tr><td>1462</td><td>400</td><td>1462</td><td>400</td><td>Petitions to the Commissioner (CFR 1.17(f) Group I)</td></tr><tr><td>1463</td><td>200</td><td>1463</td><td>200</td><td>Petitions to the Commissioner (CFR 1.17(g) Group II)</td></tr><tr><td>1464</td><td>130</td><td>1464</td><td>130</td><td>Petitions to the Commissioner (CFR 1.17(h) Group III)</td></tr><tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td></tr><tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td></tr><tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td></tr><tr><td>1809</td><td>790</td><td>2809</td><td>395</td><td>For filing a submission after final rejection (see 37 CFR 1.129(a))</td></tr><tr><td>1814</td><td>130</td><td>2814</td><td>65</td><td>Statutory Disclaimer (x2)</td></tr><tr><td>1810</td><td>790</td><td>2810</td><td>395</td><td>For each additional invention to be examined (see 37 CFR 1.129(b))</td></tr><tr><td>1801</td><td>790</td><td>2801</td><td>395</td><td>Request for Continued Examination (RCE)</td></tr><tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td></tr><tr><td>1504</td><td>300</td><td>1504</td><td>300</td><td>Publication fee for early, voluntary, or normal pub.</td></tr><tr><td>1505</td><td>300</td><td>1505</td><td>300</td><td>Publication fee for republication</td></tr><tr><td>1803</td><td>130</td><td>1803</td><td>130</td><td>Request for voluntary publication or republication</td></tr><tr><td>1808</td><td>130</td><td>1808</td><td>130</td><td>Processing fee under 37 CFR 1.17(i) (except provisionals)</td></tr><tr><td>1454</td><td>1,370</td><td>1454</td><td>1,370</td><td>Acceptance of unintentionally delayed claim for priority</td></tr></tbody></table>				<u>Large Entity</u>		<u>Small Entity</u>			Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	1051	130	2051	65	Surcharge - late filing fee or oath	1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	1053	130	1053	130	Non-English specification	1812	2,520	1812	2,520	For filing a request for ex parte reexamination	1813	8,800	1813	8,800	Request for inter parties reexamination	1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	1251	120	2251	60	Extension for reply within first month	1252	450	2252	225	Extension for reply within second month	1253	1,020	2253	510	Extension for reply within third month	1254	1,590	2254	795	Extension for reply within fourth month	1255	2,160	2255	1,080	Extension for reply within fifth month	1401	500	2401	250	Notice of Appeal	1402	500	2402	250	Filing a brief in support of an appeal	1403	1,000	2403	500	Request for oral hearing	1451	1,510	1451	1,510	Petition to institute a public use proceeding	1452	500	2452	250	Petition to revive - unavoidable	1453	1,500	2453	750	Petition to revive - unintentional	1501	1,400	2501	700	Utility issue fee (or reissue)	1502	800	2502	400	Design issue fee	1503	1100	2503	550	Plant issue fee	1462	400	1462	400	Petitions to the Commissioner (CFR 1.17(f) Group I)	1463	200	1463	200	Petitions to the Commissioner (CFR 1.17(g) Group II)	1464	130	1464	130	Petitions to the Commissioner (CFR 1.17(h) Group III)	1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	1806	180	1806	180	Submission of Information Disclosure Stmt	8021	40	8021	40	Recording each patent assignment per property (times number of properties)	1809	790	2809	395	For filing a submission after final rejection (see 37 CFR 1.129(a))	1814	130	2814	65	Statutory Disclaimer (x2)	1810	790	2810	395	For each additional invention to be examined (see 37 CFR 1.129(b))	1801	790	2801	395	Request for Continued Examination (RCE)	1802	900	1802	900	Request for expedited examination of a design application	1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	1505	300	1505	300	Publication fee for republication	1803	130	1803	130	Request for voluntary publication or republication	1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	1454	1,370	1454	1,370	Acceptance of unintentionally delayed claim for priority	<u>                    </u>
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<b>SUBTOTAL (4)</b>				<b>\$ 260.00</b>																																																																																																																																																																																																			

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**Typed or Printed Name: Michael J. MallieSignature: Date: September 13, 2005Reg. Number: 36,591Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450